

Attachment 3

VCU Response and Agreement to DHR Comments in Attachment 2

To demonstrate VCU's commitment to designing and building a facility that will be contextually compatible with the surrounding area, the University suggested the following mitigation measures:

- A. VCU completed a DHR Intensive Level Survey Form for 911 and 917 Green Alley in compliance with the *Guidelines For Conducting Cultural Resource Survey In Virginia: Additional Guidance for the Implementation of the Federal Standards Entitled Archaeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines* (45 FR 44742, September 9, 1983) 1999, rev. 2000. This survey revealed that the 911 Green Alley property still has some elements that reflect its early use as a livery. The 917 Green Alley property does not exhibit any reference to its earlier use, and has been greatly changed over the years.
- B. Based on the Intensive Level Survey, VCU agrees to relocate the 911 Green Alley building to the block immediately to the west of its current location, and, in consultation with DHR, shall salvage significant architectural features, if any, from 917 Green Alley to include in the design of the new Cary Street Gym Addition, or, alternatively, to preserve such features in a way that is mutually agreed to be appropriate.
- C. VCU agrees to create a replacement alleyway about 50 yards to the south of the portion of Green Alley that will be closed.
- D. VCU will continue to consult with DHR, consistent with the spirit of the Virginia Environmental Impacts Act (Sec.10.1-1188, *et seq.*, *Code of Virginia*) and other similar state laws and procedures regarding the design of the Cary Street Recreation Center. VCU acknowledges the historic importance of the City Market/Cary Street Gym, as recognized by its eligibility for the National Register of Historic Places and the Virginia Landmarks Register. VCU will make a concerted effort to ensure that the integrity of this significant resource is not diminished by the project. The design will address the issue of appropriate scale with respect to this building and its surrounding historic context within the Oregon Hill Historic District, particularly the residences on Cherry Street and Cumberland Avenue. The design will include sensitive facade detailing, materials and finishes, landscape treatments, lighting, and signage, all compatible with the character of the Cary Street Gym and the adjoining Historic district. The Recreation Center Addition will be reversible and constructed so that it will constitute no long term physical damage to the Cary Street Gym. To achieve these design goals, VCU will implement the following process:

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1. VCU will collaborate with representatives from DHR, the City of Richmond, Oregon Hill Neighborhood Association, Better Housing Coalition, and St. Andrew's Association to obtain constructive design review comments for including in the project.
 2. VCU and DHR will take into consideration the constructive comments of the City, Oregon Hill Neighborhood Association, Better Housing Coalition, and St. Andrew's Association so that their interests are adequately represented and addressed during the design phase.
 3. VCU will provide DHR and the Department of Community Development (DCD), City of Richmond, schematic (30%) and design development (60%) drawings for review, comment, and design recommendations. DHR agrees to provide any comments in a timely manner.
- E. VCU and DHR will work together to achieve a rehabilitative treatment plan for the Cary Street Gym that is consistent with the Secretary of Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.
- F. VCU will, upon completion of the project, nominate the Cary Street Gym for inclusion on the Virginia Landmarks Register, and to the National Register of Historic Places.
- G. Subject to appropriate approvals, VCU agrees to offer at a preferred rate membership to the Recreation Center to the residents of Oregon Hill. VCU further agrees to, with the concurrence of the City of Richmond, to pay for the City to install a traffic light at Cumberland and Laurel Streets.
- H. In the event that VCU or its contractor uncovers unexpected significant archaeological artifacts and/or features during the demolition/relocation of 911 and/or 917 Green Alley, or the construction of its replacement, VCU shall cease all ground-disturbing activities in the immediate area and notify DHR. VCU shall give DHR a reasonable opportunity to evaluate the unexpected archaeological artifacts and/or features for its eligibility to the Virginia Landmarks Register (VLR). If DHR determines that the archaeological artifacts and/or features are not eligible for listing in the VLR, then VCU may proceed. However, if DHR determines that the archaeological artifacts and/or features are eligible for the VLR, then DHR and VCU shall consult regarding the most appropriate treatment of the archaeological site. Treatment may include, but is not limited to, data recovery, preservation in place or avoidance.